

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

Morehouse Enterprises, LLC, d/b/a/ Bridge)
City Ordnance, et al.,)
Plaintiffs,)
vs.)
Bureau of Alcohol, Tobacco, Firearms and)
Explosives, et al.,)
Defendants.)

ORDER

Case No. 3:23-cv-129

Defendants United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), ATF Director Steven Dettelbach, and Director of Industry Operations for ATF’s Saint Paul Field Division Hans Hummel move for an extension of time to respond to Plaintiffs Morehouse Enterprises, LLC, d/b/a Bridge City Ordnance, Gun Owners of America, Inc., and Gun Owners Foundation’s motion for a preliminary injunction. Doc. No. 20. Plaintiffs filed their motion for a preliminary injunction on August 4, 2023, and, absent an extension, Defendants’ response will be due on August 18, 2023. Doc. No. 15. Defendants request until September 8, 2023, to file a response. Doc. No. 20. Plaintiffs oppose the motion. Doc. No. 21.

This case involves ATF’s interpretation and enforcement of 18 U.S.C. § 923(e), a statutory provision that enables the Attorney General, after notice and opportunity for a hearing, to revoke a federal firearms license. Plaintiffs motion for a preliminary injunction requests, in part, the Court “enjoin . . . ATF’s pending revocation of [Bridge City Ordnance’s] Federal Firearms Licenses.” Doc. No. 15-1, p. 26.

On May 23, 2023, ATF issued to Plaintiff Bridge City Ordnance (“BCO”) a “Notice to Revoke or Suspend License and/or Impose a Civil Fine.” Doc. No. 1-1. In its brief, Defendants

explain an administrative hearing regarding BCO’s federal firearms licenses is scheduled for August 16, 2023, and ATF will reach a final decision “no sooner than September 1.” Doc. No. 20, p. 1. Defendants further state a decision to revoke BCO’s federal firearms licenses would become effective “no sooner than 15 days from BCO’s receipt of the revocation notice.” Id. So, at the earliest, ATF’s revocation of BCO’s federal firearms license would become effective on September 15, 2023.

Defendants request to file their brief on September 8, 2023, because the outcome of BCO’s administrative hearing will have “significant implications” for Plaintiffs’ motion. Id. at 2. Plaintiffs oppose the motion and argue it “did not challenge the yet to be decided outcome of the revocation hearing in this proceeding, and Defendants need not address it in their response.” Doc. No. 21, p. 2. The Court agrees with Defendants that the outcome of BCO’s upcoming revocation hearing may affect Plaintiffs’ motion, and it would be an inefficient use of resources to decide the motion before an administrative decision regarding BCO’s federal firearms licenses is reached. If BCO’s federal firearms licenses are revoked, ATF represents the revocation would become effective no sooner than September 15, 2023—seven days after it requests to file a responsive brief. For those reasons, Defendants’ motion for an extension (Doc. No. 20) is **GRANTED**. Defendants’ response to Plaintiffs’ motion for a preliminary injunction is due by September 8, 2023.

IT IS SO ORDERED.

Dated this 16th day of August, 2023.

/s/ Peter D. Welte

Peter D. Welte, Chief Judge
United States District Court